

NOTICES OF FINAL RULEMAKING

Unless exempted by A.R.S. § 41-01995, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register. Under the Administrative Procedure Act (A.R.S. § 41-1001et seq.) an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S §§ 41-1013 and 41-1022.

NOTICE OF FINAL RULEMAKING

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

PREAMBLE

1. Sections Affected Rulemaking Action
R7-1-706 Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 15-1425(1), (2), (3), and (7)
Implementing statute: A.R.S. § 15-1425(1), (2), (3), and (7)
3. The effective date of the rules:
December 8, 1995
4. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening:
1 A.A.R. 328, April 14, 1995

Notice of Proposed Rulemaking:
1 A.A.R. 314, April 14, 1995
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Thomas J. Saad

Address: State Board of Directors for Community Colleges
3225 North Central Avenue, Suite 1220
Phoenix, Arizona

Telephone: (602) 255-4037
Fax: (602) 279-3464
6. An explanation of the rule, including the agency's reasons for initiating the rule:
The rule defines the types of community college teaching certificates issued, the minimum requirements for each certificate, the duration and process for renewal of certificates, and competencies to be addressed in the community college course which is required for certification.

The rule was amended to give more flexibility to community college districts in the certification of faculty and to improve the quality and effectiveness of the community college course which is a certification requirement.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
The rule will not diminish the authority of state community colleges. Effectively, the rule increases flexibility in the certification of faculty.
8. The summary of the economic, small business, and consumer impact:
The information can be summarized as follows:
 - A. Community college students will benefit.
 - B. The cost of certification will remain unchanged.
 - C. The rule as amended will increase the flexibility of community colleges to certify faculty, at no added cost to community colleges.

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D. There is no impact on small business.

E. Employment of faculty may be enhanced but economic impact cannot be determined.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules:

Various changes in the language of the rule were made to enhance clarity and were not of substance.

10. A summary of principal comments and the agency response to them:

No comments were received.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

12. Incorporations by reference and their location in the rules:

None.

13. Was the rule previously adopted as an emergency rule?

No.

14. The full text of the rules follows:

TITLE 7. EDUCATION

**CHAPTER 1. STATE BOARD OF DIRECTORS FOR
COMMUNITY COLLEGES OF ARIZONA**

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

R1-7-706. Certification Standards

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

R7-1-706. Certification Standards

A. Five types of community college certificates may be issued.

1. The 3 categories of regular certificates and the minimum requirements for each are as follows:

a. Regular certificate ((A)(1)(a))

i. A Master's degree or higher degree, earned pursuant to subsection (C) of this Section with a minimum of 24 semester hours of upper division and/or graduate credit in the discipline to be taught.

ii. The Arizona Community College Course requirement in subsection (D) of this Section

b. Regular certificate ((A)(1)(b)) (Occupational teaching fields only)

i. A Bachelor's degree, earned pursuant to subsection (C) of this Section with a minimum of 3 years of directly related occupational experience in the field to be taught.

ii. The Arizona Community College Course requirement in subsection (D) of this Section.

c. Regular certificate ((A)(1)(c)) (Occupational teaching fields only)

i. An Associate's degree, earned pursuant to subsection (C) of this Section or a minimum of 64 semester hours and, in addition, a minimum of 5 years of directly related occupational experience in the field to be taught.

ii. The Arizona Community College Course requirement in subsection (D) of this Section.

2. A Special certificate ((A)(2)) may be issued to an individual employed to teach part-time fewer than 12 credits per semester with the following qualifications:

- a. Has a Bachelor's degree or higher degree, earned pursuant to subsection (C) of this Section or a minimum of 5 years of directly related ~~occupational~~ experience in the occupational field to be taught; or
- b. Has a regular Arizona license or a certificate in the field to be taught; and

c. ~~Meets, or makes provisions to meet,~~ Has completed or is enrolled in the Arizona Community College requirement in required by subsection (D) of this Section.

d. An individual who holds a Special certificate may be granted permission, ~~under exceptional circumstances,~~ to teach full-time 12 or more credits per semester, if such permission is requested ~~under the explicit signature of~~ by the Chief Executive Officer or Chief Academic Officer of the college or college district and justification is provided that demonstrates it is not feasible for the college to secure the services of a person qualified for a Regular Certificate.

3. ~~An Honorary certificate ((A)(3)) may be issued as follows:~~

a. ~~A community college district may employ a renowned person who does not meet the certification requirements.~~

b. ~~Such appointment shall be subject to review and approval by the State Community College Board on a year-to-year basis.~~

3. An Internship certificate ((A)(3)) may be issued to an applicant with the following qualifications:

a. Has, or is a candidate for, a Master's degree in an academic field or holds, or is a candidate for, a Bachelor's degree in an occupational field, from an institution accredited by 1 of the Regional Accrediting Associations;

b. Applicant has been recommended for, and admitted to, an intern program conducted by an institution accredited by 1 of the Regional Accrediting Associations;

c. Has completed or is enrolled in the Arizona Community College Course required by subsection (D) of this Section.

4. A Provisional certificate ((A)(4)) may be issued if the individual meets the requirements of the Regular certificates (A)(1)(a), (A)(1)(b), or (A)(1)(c) but does not meet the Arizona Community College Course requirement in subsection (D) of this Section.

5. Pursuant to A.R.S. § 15-1425(3), a District Specific cer-

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tificate ((A)(5)) may be issued as follows:

- a. A community college district may request in writing certification for a person who cannot meet certification requirements in the desired teaching discipline but who has acquired the knowledge and skills to instruct in a specific field through experience or alternative educational experiences and justification is provided that demonstrates it is not feasible for the college to secure the services of a person qualified for a Regular Certificate.
 - b. An individual who holds a District Specific certificate shall:
 - i. Teach ~~part-time~~ fewer than 12 credits per semester only in the district originating the request for certification.
 - ii. Teach ~~full-time~~ 12 or more credits per semester if requested ~~under the explicit signature of~~ by the Chief Executive Officer or Chief Academic Officer of the college or college district.
 - iii. Meet the Community College Course requirement in subsection (D) of this Section.
- B.** Community college teaching certificates may be renewed as follows:
1. Regular certificates ((A)(1)(a), (A)(1)(b), and (A)(1)(c)) are permanent unless revoked.
 2. Special certificates ((A)(2)) may be renewed at the end of 2 years for a 6-year period and may be renewed every 6 years thereafter.
 3. ~~Honorary certificates ((A)(3)) shall be renewable on an annual basis.~~
 3. Internship certificates ((A)(3)) are valid for a period of 1 semester or 6 months and may not be renewed.
 4. Provisional certificates ((A)(4)) are valid for 2 years and are nonrenewable.
 5. District Specific certificates ((A)(5)) may be renewed at the end of 2 years for a 6-year period and may be renewed every 6 years thereafter.
- C.** Degrees or credits shall be earned and received from an institution accredited by 1 of the Regional Accrediting Associations. However, degrees and credits earned from a foreign institution ~~may be considered on an individual basis; shall be evaluated for equivalency to credits earned in an accredited institution on the basis of an analysis provided by a Foreign Transcript Evaluation Agency.~~
- D.** Community College course requirement
1. The Community College Course required for the Regular certificate is a community ~~or junior~~ college course, offered by an Arizona university or community college district. This course shall ~~cover content established by the State Board~~ address the following competencies and shall be of such length and rigor as to warrant the awarding of 3 semester credit hours:
 - a. History of the Community College;
 - b. Philosophy/Mission/Purpose of the Community College;
 - c. Governance and Organizational Structure of the Arizona Community Colleges;
 - d. Current Community College Issues;

- e. Student Characteristics and Student Services;
 - f. Financing Arizona Community Colleges;
 - g. Teaching, Learning, and Assessment;
 - h. Curriculum;
 - i. Community College Faculty Roles.
2. A person who has successfully completed a community ~~or junior~~ college course at an out-of-state college or university or who has taught 1 year full-time at a regionally accredited community college outside of Arizona ~~may~~ shall be exempt from taking the Arizona course provided the Chief Executive Officer of the college district ~~approves; and the Certification Officer of the State Board agrees, the guidelines established by the State Board have been met;~~ recommend exemption and the State Board determines that the course and/or experience have provided the person with an orientation to community college teaching substantially equivalent to that provided by the required course.
 3. The Community College Course requirement for the Special certificate ((A)(2)) and the District Specific certificate ((A)(5)) may be satisfied by completion of an orientation about the Arizona Community College system and its mission conducted by a community college district provided the orientation addresses the competencies detailed in subsection (D)(1) of this Section. The method employed shall be determined by the Chief Executive Officer of each community college district.
 4. The State Board shall systematically collect evaluative input from course completers and report the results to the course providers so that course providers and the State Board may continuously improve the quality and effectiveness of the course.
- E.** A community college district may establish qualifications in addition to those required by the State Board as long as they do not discriminate on the basis of sex, race, religion, creed, or national origin, and as long as they apply equally to all faculty members in a particular discipline, vocation, or program.
- F.** Certification fees (including evaluation and renewal) shall be established by the State Board and the fee schedule made available to any interested person.
- G.** ~~Ordinances for issuing certificates shall be established by the State Board.~~
- G.** Each community college district shall annually, prior to September 1, provide the State Board a report detailing its use of District Specific certificates during the previous academic year.
1. The report shall include the following elements:
 - a. A listing of individuals teaching with District Specific certificates.
 - b. The discipline or disciplines in which the District Specific certificate for the individual has been issued;
 - c. The course or courses taught by the individual.
 2. The State Board shall review the results of these reports to determine if the use of District Specific certificates might affect confidence in transfer or accreditation standards.

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TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

1. Sections Affected

R12-4-101
R12-4-103
R12-4-104
R12-4-105
R12-4-108
R12-4-114
R12-4-216
R12-4-217
R12-4-217
R12-4-302
R12-4-302
R12-4-307
R12-4-318
R12-4-511

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
New Section
Repeal
New Section
Repeal
New Section
Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 17-231(A)(1) is the Commission's general rulemaking authority under A.R.S. Title 17, the Arizona Game and Fish Laws. A.R.S. § 5-311(A)(1) is the Commission's general rulemaking authority under A.R.S. Title 5, Chapter 3, the Arizona Boating and Water Sports laws.

Implementing statutes: A.R.S. § 17-101 for R12-4-101
A.R.S. § 17-332(C) for R12-4-103
A.R.S. § 17-231(A)(2), (3), and (8) for R12-4-104
A.R.S. §§ 17-333(A)(33), 17-334, 17-338, and 17-339 for R12-4-105
A.R.S. § 17-245 for R12-4-108
A.R.S. § 17-332 for R12-4-114
A.R.S. § 17-102 for R12-4-216
A.R.S. §§ 17-102 and 17-301(B) for R12-4-217 (both repeal and new Section)
A.R.S. §§ 17-102, 17-331, 17-332, and 17-309 for R12-4-302 (both repeal and new Section)
A.R.S. § 17-361 for R12-4-307
A.R.S. §§ 17-102 and 17-231(A)(3) for R12-4-318
A.R.S. § 5-331 for R12-4-511

3. The effective date of the rules:

January 1, 1996, in order to allow coordinated implementation by the agency.

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening:

1 A.A.R. 290, April 7, 1995
1 A.A.R. 759, June 16, 1995 (R12-4-302 added)

Notice of Proposed Rulemaking:

1 A.A.R. 1001, July 7, 1995

The date the record was closed: December 15, 1995

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Susan L. Alandar, Administrative Services Manager
Address: Arizona Game and Fish Department DO HQ
2221 West Greenway Road
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6. An explanation of the rule, including the agency's reasons for initiating the rule:

Amendment of R12-4-101, R12-4-104, and R12-4-114.

R12-4-101 contains definitions. R12-4-114 prescribes the Commission's direction to the Department regarding the procedures for issuing tags which authorize the take of wildlife, and the methods by which certain tags may be obtained. R12-4-104 contains application procedures for tags which may only be obtained through a "drawing" (lottery process). R12-4-302 addresses use of tags in the field.

The majority of the changes to these rules result from the 1994 5-year review of Article 1 and surround a central and common issue, namely the types of "tags" issued by the Department. Even though a person has a hunting license, in Arizona that license does not authorize a hunter to take certain wildlife (generally big game) unless the hunter is also in possession of a tag validating the license for that purpose. Once the animal is taken, the tag must be attached to the animal in order for it to be possessed and transported.

The word "tag" is used throughout A.R.S. Title 17, but it has become necessary for the Department to issue more than 1 kind of tag; they are all legal and valid for the purposes of Title 17 (in particular see A.R.S. §§ 17-309(A)(18) and 17-332) when all the rule and order requirements are met, but the methods for obtaining the tags and the hunt areas and seasons for which they are valid differ. The current generic definition for "tag", which includes "hunt permit-tag", was written to ensure Title 17 legality but has created unforeseen confusion when a "second deer" bag limit was added to the Commission order for deer.

There are basically 2 types of tags which a hunter may obtain: the kind obtainable only through the drawing, for seasons when the number of tags issued must be limited, and the kind obtainable "over the counter", for use in seasons when limiting the number of tags issued is not necessary. Although both types of tags may lawfully be obtained, this does not mean both can be used. That is because the Commission sets the "bag limit" for each species, and the bag limit is generally only 1.

To further complicate the issue, some seasons for which there are a limited number of tags available may not "fill", meaning there are tags left over after the drawing. And in those cases, the Commission may determine that the bag limit may be extended to 2, provided that the 2nd animal is taken under the authority of the limited tags obtained after the date of the 1st drawing.

Not surprisingly, this is confusing and has resulted in inadvertent violations because the rules were not clear enough to specify what actions are and are not permissible. The main thrust of the rules described herein is to clarify the system and make it more understandable for everyone involved. A description of the individual rules and the changes made therein follows.

R12-4-101. Definitions. This rule generally defines the terms used in Game and Fish Commission rules and Commission orders establishing hunting and fishing seasons. The terms to be changed/added include:

"**Hunt number**". Amendment removes an undefined term - "permits" - and replaces it with a defined term, "hunt permits". See the definitions following to understand how the terms go together.

"**Hunt permits**". The term "hunt permit" has not been used in the Commission's rules for some time, but "hunt permits" is consistently used in Commission orders which establish a limited number of tags to be made available to the public. These limited tags have traditionally been known as "hunt permit-tags". Therefore a new definition is offered reflecting the most common usage of this term: when used in Commission order, it refers to the number of hunt permit-tags which are to be made available to the public. (There was some discussion about doing away with the term and using only the term "hunt permit-tags". However, the public is used to using this term and understands it in the context of the new definition.)

"**Hunt permit-tag**". This is the type of tag which may be obtained only through "the drawing", as opposed to "over the counter". The Commission determines this by assigning a "hunt number" when it establishes a season for which a limited number of tags (which then become "hunt permit-tags") will be available. Persons wishing to hunt in that season must apply for the drawing (procedures in R12-4-104) and, in that application process, use the "hunt number" on their application in order to designate the season for which they are applying. If they are successful and are "drawn", they are issued the "hunt permit-tag" which is valid for that particular season.

"**Nonpermit-tag**". This is a brand-new term. There has never before been a term or definition for the tag which may be obtained over the counter. It's valid only in hunts when NO hunt number has been assigned. Methods for obtaining nonpermit-tags are provided in R12-4-114.

"**Tag**". The generic term is intended to cover all the types of tags which are lawful and, as stated in the definition, required to take wildlife. In these rules we discuss hunt permit-tags and nonpermit-tags, but there are others: duplicate tags (issued pursuant to R12-4-103), and special license tags (issued pursuant to R12-4-120, they have a completely separate statutory authority and are not familiar to the average hunter but are a lawful tag nevertheless.)

The remaining changes result from the 5-year review of this rule but are not related to the "tag" issue.

"**Wildlife area**". The definition is not consistent with the content of the rule on wildlife areas, and, rather than restating the criteria in the rule on wildlife areas, the definition now will refer the reader to that rule, which will give them all related information.

Subsection (B): this is simplified to explain the actual purpose of this subsection: to define terms used in Commission orders. "Mature bull elk" is a term no longer used in Commission orders and is therefore struck.

R12-4-104. Application procedures for issuance of hunt permit-tags by drawing. This rule prescribes application procedures for the drawing. The heading is amended to more clearly state its purpose.

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R12-4-114 (following) sets the criteria for when a drawing becomes necessary and how the drawing is conducted; R12-4-104 sets the procedures for application to obtain hunt permit-tags; and R12-4-302 (also following) addresses use of the tags in the field.

The changes to R12-4-104 result from the 5-year review of this rule and are generally for the purpose of clarification.

Subsection (C)(6) is the requirement to use the "hunt number" when completing an application. The application form does contain space to list more than 1 "hunt number", thus giving the applicant another opportunity to be drawn if their 1st choice is already filled (all of the hunt permit-tags for that particular hunt have already been issued). If all hunt permit-tags have already been issued for all choices on the application, the applicant is not successful and is not issued a hunt permit-tag. However, the word currently used in the rule is incorrect: it says the application will be "rejected". Actually, an application is "rejected" only if the applicant did not follow the provisions of this rule. That means it is never eligible for the drawing and is therefore never entered. An "unsuccessful" application is entirely different: the application was valid, it is entered in the drawing, but it is not successful because, by the time it is drawn, all of the hunt permit-tags have gone to other applicants. On the surface the word difference appears to be only a technicality, but it is not. Persons who are unsuccessful in any drawing for elk, antelope, buffalo, or bighorn sheep are awarded a "bonus point" (pursuant to R12-4-107) which gives them an extra "entry" in the next drawing. Persons who are rejected because of an invalid application do not get a bonus point. Even though the Department has always recognized the difference and does give bonus points to applicants who fit under this subsection, it is best to correct the wording.

Subsection (C)(7) was ambiguous as written and is therefore corrected. The intent is that, although the applicant can list several hunt numbers (choices) on an application, the application can only be for 1 genus (deer, elk, etc.). An applicant has to fill out a separate application for each genus. Pursuant to the subsection following, such separate applications cannot be submitted in 1 envelope but must be placed in separate envelopes. All of this is necessary in order for the Department to properly process the many thousands of applications received; drawings for each genus are run separately, and each application must be manually reviewed. Subsection (C)(10)(b) is completely rewritten to be specific in its intent. There is no change in interpretation or impact.

R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags. This is the rule changed the most in the attempt to clearly identify the type and validity of tags. However, other changes are also made as a result of the review of this rule in 1994.

In subsection (A), the sentence related to tag design for identification of the month and day of kill is removed. This provision was added to the rule on March 1, 1991, with simultaneous amendment to R12-4-302 to require the hunter to punch out the month and day immediately after killing an animal. Review of this provision showed that compliance with the requirement is 50% or less and there is no measurable benefit to field law enforcement effort from the requirement. Complaints of hunters cutting themselves trying to punch out the tag with sharp knives have been received. Department officers have not realized any benefit from the requirement in preventing reuse of the tag. It was already noted that the provision was not necessary for wildlife management purposes; other states with a "punch out" use the date of kill information for biological management purposes as those states require hunters to mail in big game tags. Arizona does not. Rather, a hunter questionnaire postcard gathers the same information. For all of these reasons, this requirement is removed from this rule and related R12-4-302.

Subsection (B) is completely rewritten to address the newly-defined "nonpermit-tags", which were previously referred to by various names such as "big game tags" (although hunt permit-tags are also usually for big game) and "over-the-counter" tags and even just "archery tags" (even though some hunt permit-tags are valid only for archery-only seasons.) These tags will now be known as "nonpermit-tags" to designate that they are, in fact, different than hunt permit-tags, and R12-4-114(B) addresses how they are obtained and when they are available.

In subsection (C), there is a change made regarding limiting hunt permits "to prevent over-harvest of wildlife". That statement is too inflexible; the number of hunt permits may also be limited for other reasons, for instance to avoid having too many hunters in a small area. Many factors are taken into account by the Commission in determining the need and number of hunt permits to be made available during any season. "Over-harvest" may be 1 factor but should not be the only factor.

Also in subsection (C), much unnecessary/redundant language has been removed, which clarifies the rule. Subsection (C)(2) clarifies that, when hunt permit-tags may be purchased over the counter, they are available only from Department offices. This is not a change from current process.

Amendment of R12-4-103 and R12-4-105.

R12-4-103. The objective of this rule is to prescribe a method to obtain certain duplicate licenses and tags when the original was unused and is lost, destroyed, mutilated, or otherwise unusable. This rule is authorized by the specific authority of A.R.S. § 17-332(C). The rule does provide a convenience to the public. It requires a simple affidavit in order to replace a hunting or fishing license or a tag.

As determined in the 1994 5-year review of this rule, the Commission proposes to amend this rule to require applicants to include their Department Identification number (as prescribed in R12-4-111) when 1 has been assigned. At present, this rule will apply only to duplicate tags. This will allow the Department to verify that, in fact, a hunt permit-tag was obtained through the "drawing" pursuant to R12-4-104.

Subsection (B) is eliminated from this rule as being inappropriate to its audience (the hunter). Instead, the requirement that the license dealer submit affidavits to the Department is moved to R12-4-105(I).

R12-4-105. The objective of this rule is to provide a service to the public by authorizing outlets other than Department offices where certain licenses may be purchased, while protecting the Department's license sales revenue; and to prescribe operating requirements to comply with governing statutes A.R.S. §§ 17-334, 17-338, and 17-339.

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Subsection (B)(5)(c) is amended to require the dealer outlet to provide the hours the business is open to the public to sell licenses. It is not essential the Department know the hours of the establishment. Many of these businesses are now open 24 hours a day, but they do not sell licenses 24 hours a day. For example, the "customer service counter" in a larger grocery store that sells Department licenses may only be open for service from at 9 a.m. until 9 p.m. It is critical the Department know the exact time a business will be open to sell licenses so the Department can refer a potential purchaser to the closest open dealer outlet.

Subsection (D)(3) is amended to require that the business address and business telephone number of the contact person be included in the application for license. It should be tied to the intent of this requirement; the Department has no interest in home addresses or phone numbers and, should the designated contact person no longer be employed at the dealer outlet, the Department will need the number which will allow them to contact his/her replacement.

Subsection (F) is also amended to remove unnecessary detail. Any time new licenses become available for sale from the Department, the rule has to be changed. This does not benefit the Department or the license dealer or the public. The intent is that the Department will supply to the license dealer all licenses which may be sold by a license dealer and the dealer will then make those licenses available for public purchase.

Subsection (G) is amended to add language to protect the Department from any requirement to issue inventory to a license dealer who is not in compliance with all applicable statutes and rules. The Department intends that a licensed dealer shall be supplied with AGFD inventory; however, it intends the license dealer shall be in compliance with all applicable statutes and rules or not be further supplied.

Subsection (H) is amended to reflect the need for including the date of inventory. The intent of this proposed rule change is to obtain the exact date inventory was received by the licensed dealer. By rule, the license dealer shall verify all inventory shipments, sign and return to the Department within 5 working days. Without a date, the Department cannot verify compliance.

In a transfer of provisions from R12-4-103, subsection (I)(6) is amended to require the license dealer to forward completed affidavit forms for duplicate licenses to the Phoenix office. In fact, the affidavit form validates the duplicate fee paid. The absence of a completed affidavit makes the full fee for the original license as replaced due from the license dealer.

Amendment of R12-4-108.

This rule prescribes boundaries for management units, most familiar to the public as the hunt areas opened for big game seasons. The changes being made to this rule are of a "housekeeping" nature only and do not actually change boundaries.

Repeal and New Adoption of R12-4-302.

This Section is repealed and a new Section adopted as this became more efficient than showing multiple amendments. Amendments to this rule are consistent with clarification of "tag" requirements, with removal of the requirement to punch out month and day of kill (discussed under R12-4-114), and relative to new proposed rules to increase hunting opportunity for disabled hunters. New R12-4-217 allows a disabled hunter to designate an assistant, and that assistant may tag an animal on behalf of the disabled hunter. (See the statement for R12-4-217 submitted in conjunction with this rule.)

A change is made to allow the sandhill crane hunter the option to tag the crane around the neck. Because state and federal regulations require that a fully feathered wing or head be left attached to sandhill cranes, it may be more convenient to the hunter if the tag could be affixed around the neck. It may also encourage the hunter to leave the head attached, rather than the wing. Though either is legal, biologists who check sandhill cranes in the field find it easier to determine age and subspecies if the head is left. This is not a major change and simply gives the hunter an option, rather than changing any current requirement.

Amendment of R12-4-307.

This rule is authorized by the Commission's general rulemaking authority contained in A.R.S. § 17-231(A)(3) and by the specific authority of A.R.S. § 17-361. It regulates commercial trapping in Arizona.

The rule changes would permit the use of confinement traps under the authority of the trapping license. Confinement traps, often also called "box traps", are designed to capture an animal alive and unharmed. The generic term "confinement trap" is used in the rule as such live traps are not always shaped like a box.

The existing rule prohibits the use of any trap that does not meet requirements as prescribed in subsection (D). Confinement traps do not meet existing prescribed requirements and are therefore illegal devices. The passage of Proposition 201 in November 1994 rendered unlawful the placing of all legal traps, as defined in existing rule, on public land. Proposition 201 did not prohibit the placing of confinement traps on public lands. The proposed rule changes would allow licensed individuals to trap predators and furbearers (as defined in A.R.S. § 17-101) with confinement traps on public and private lands in Arizona.

The rule changes would place limitations on the type of bait which could be used in a confinement trap and require the bait to be wholly contained within the trap. Baiting a confinement trap is necessary to entice wild animals to enter an unnatural situation. Bait must be wholly contained within the trap to avoid accidental capture of carnivorous birds (hawks, owls, ravens, etc.). Live animals may not be used for ethical reasons. The use of game is restricted to be consistent with A.R.S. Title 17, which is protective regarding the use and unlawful waste of game.

R12-4-216 (new rule); R12-4-217 (repeal and new adoption); and R12-4-318 (amend).

All of the rules listed above are intended to accomplish the same goal: to improve hunting opportunity for disabled hunters.

General history. The rules are the continuation of a project which began in 1993. In January 1993, the Arizona Game and Fish Commission adopted "5-Year Goals and Objectives" for the Department. Included within those goals and objectives was the goal to develop and implement a plan to improve hunting opportunities for disabled hunters by December 31, 1994.

The Department first conducted a survey of other states (36 participated) to determine various approaches they have taken to achieve the same objective.

While collecting this information, the Department put together a task force of key Department personnel (including an assigned Assistant Attorney General) and hunters who are disabled who volunteered their time and assistance with this project. While this core group was, of necessity, small, every attempt was made to enlist input from other interested hunters while drafts were under development (explanation follows).

The "Hunting Opportunity Committee" was charged with evaluating the material received from other states and sifting out methods which were and were not workable due to cost, impact on law enforcement or wildlife management, and other factors the committee identified (wildlife resources and laws differ from state to state, sometimes widely.) The committee also reviewed proposals received from hunters made aware of the project through publicity efforts. All of this information was considered while the committee put together concepts which it believed deserved further exploration. It put together a plan for exploration of these concepts. The concepts and the plan were mailed to all interested parties and made available to the media with the announcement that they would be considered by the Arizona Game and Fish Commission in public meeting in December 1994. The Commission approved the proposal as presented and the Department began implementation of the plan for receiving public input and development of rules. This plan included mailing a copy of the concepts/proposals to the media, to all persons on the Department's regular mailing lists for "public hunt meetings" and those persons who regularly receive Commission meeting agendas, to the Department's own personnel, and to all previously identified interested persons, with encouragement to "spread the word" and make more copies or request more copies as desired (many more were distributed upon request after this initial distribution). This mailing also included the schedule of dates, times, and places for the Department's public meetings.

Oral comments were received at the Department's public meetings in January and February in Phoenix, Pinetop, Prescott, Kingman, Willcox, Tucson, Yuma, Flagstaff, Page, and Mesa. These meetings are held annually by the Department to take public comment prior to the Commission's April meeting when it traditionally establishes the fall's hunting seasons. By including input on the hunting opportunity proposals during these traditional meetings, it is believed that the Department reached a good representation of its general hunting public which may otherwise have been unaware of these important proposals during this development stage.

The Hunting Opportunity Committee was provided with a summary of comments received during these public hearings, with letters written in response to mailings and public announcements, and responses from Department personnel statewide. Individual committee members also solicited additional input from physicians regarding the criteria for disabilities to be addressed in the proposed rules.

Each issue raised was carefully considered during the drafting of the rules addressed herein. This probably explains a very reduced participation during the formal rulemaking process; most of the statewide public hearings had no attendance despite local publicity efforts. The Hunting Opportunity Committee met for the last time after the public participation period, to evaluate the issues raised and develop final recommendations for the Commission.

Following is a description of the purpose and accomplishments of each of the proposed rules.

R12-4-216 (Crossbow Permit) is a new rule, separate and aside from any of the other proposals in this package. It addresses only those hunters with a permanent disability creating a minimum 90% impairment of function of 1 arm.

Possession of this permit will authorize the permittee to use a crossbow during an archery-only season, providing that the legal animal for the archery-only season may otherwise be taken by crossbow pursuant to R12-4-304.

Lawful methods of take for wildlife in "general" seasons are established in R12-4-304. The only big game which may be taken by crossbow pursuant to R12-4-304 are deer, javelina, and turkey.

R12-4-318 establishes special hunt structures, or "seasons", wherein methods of take are more restrictive than allowed in general seasons as set forth in R12-4-304. "Archery-only" seasons (R12-4-318(C)(2)) allow participants to "use and possess only a bow and arrow as prescribed in R12-4-304 and shall not use or possess any other weapon, including a crossbow or any other bow having devices attached to hold the bow in a drawn position." In an amendment corresponding to adoption of R12-4-216, this rule would be amended to add: "...except pursuant to R12-4-216."

The sum total of R12-4-216 and the corresponding amendment to R12-4-318 is that a permit for certain disabled hunters would allow them to use a crossbow during archery season for deer, javelina, and turkey. Even though there are archery-only seasons for other wildlife...elk, for instance...the crossbow is not now a lawful method of take for other wildlife. The intent of this proposed rule is to give persons unable to use general archery (bow and arrow) equipment the opportunity to participate in an archery season, NOT to give them privileges unavailable to other hunters.

It is currently legal for disabled hunters to use archery equipment specially designed for use by disabled hunters during archery seasons. It is currently legal for any hunter to use crossbow in general seasons for the named species. The agency nevertheless believes this rule is needed because: (1) equipment created for use by disabled hunters is generally more expensive than for a crossbow (adapted equipment is always more expensive than general equipment) and (2) many hunters prefer hunting in archery season, which requires that the hunter get closer to the prey; archery seasons also have a different hunter population than a general season.

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A representative of the Arizona Bowhunters Association has served on the Hunting Opportunity Committee and supports this proposal for the purpose as stated.

The rule requires that applicants for this permit submit a statement that they meet the rule's criteria, signed by a licensed physician. The rule requires that this statement be submitted on forms available from the Department, in order to ensure that the information required by the physician is included (it is necessary to have a clear record of the doctor's name and address for verification purposes.) The rule provides a 30-day turnaround period for verification and processing, which is standard within most of the Department's other licensing rules; it is not anticipated that all applications would take 30 days to process. No renewal requirements are included, as criteria requires that the physician certify that this is a permanent disability. Denial of the permit may be appealed to the Commission pursuant to current rule R12-4-608.

R12-4-217: repeal of "Shooting Privileges for Physically Disabled Persons"; adoption of R12-4-217: "Challenged Hunters Access/Mobility Permit": The 5-year review of R12-4-217 (Disabled Shooter's Permit) found that the rule could be improved to increase hunting opportunity for hunters with disabilities affecting mobility. This current rule requires that the applicant be certified by a physician as being "permanently unable to walk". It then allows the permit holder to discharge a firearm or other legal hunting device from the permit holder's vehicle, provided that the vehicle is parked off the road and the motor is off. It has been helpful to some disabled hunters, but the decision was made to repeal this rule entirely and "start over", since so much is improved by expansion.

The permit will become the "Challenged Hunter Access/Mobility Permit", to be known as "CHAMP" for the sake of brevity. The primary purpose of the CHAMP is to improve access to hunting for persons who could not normally get to a hunting area because of mobility impairment combined with the type of rugged terrain involved in most hunting areas. However, other challenges face such hunters which were also taken into consideration. For instance: some disabilities which create mobility impairment also create an inability to tolerate extreme weather conditions. Therefore, even when the hunter could await game outside of the hunter's vehicle in good weather, this is difficult and even dangerous in some bad weather which other hunters could tolerate. Therefore the disabled hunter must have access to off-road locations where he or she can use the vehicle to wait for game (in effect, the vehicle is used as a "blind" for the hunter). The rule allows this with the warning that such access cannot be in conflict with other law (the Commission's rules cannot, for instance, override rules on U.S. Forest Service land) and that the vehicle cannot be used to chase or pursue game (this is absolutely forbidden to any hunter).

The rule does include provisions for using a watercraft as the "vehicle"; watercraft are included within the term "motor vehicle" in the authorizing statute, A.R.S. § 17-301(B), and at least 1 disabled hunter has used a watercraft in this manner under the authority of the existing Disabled Shooter's Permit. However, including the permission in the new rule makes the authority absolutely clear and also allows the agency to specify the conditions under which the authority is extended (basically, the watercraft may not be under power). The detailed language on watercraft use is taken from current R12-4-304, which allows general use of a watercraft to take waterfowl under the same conditions.

The other authority which the rule grants, and that which was the most controversial, is the designation of an assistant who may track and dispatch and retrieve an animal wounded by the CHAMP permittee.

That the CHAMP permittee may need help retrieving an animal is generally accepted, and related rule R12-4-302 addresses this, to ensure the legality of assisted tagging and retrieving is understood.

A more controversial issue is whether the assistant should be allowed to dispatch a wounded big game animal which would not otherwise be retrievable, considering the hunter's lack of mobility. It would appear that NOT allowing dispatch of a wounded animal is in direct opposition to ethics training provided in the Department's own Hunter Education Course. The rule therefore does allow this, with the purpose that the assistant is authorized to act as a surrogate, to substitute for activities which would normally be conducted by the hunter him/herself, were the hunter physically able to do so. Such activities would be allowable **ONLY WHEN THE DISABLED HUNTER IS IN THE FIELD**. In other words, the holder of the CHAMP permit cannot be in town while the assistant is tracking, dispatching, tagging, and retrieving the animal. A game ranger coming upon an assistant acting in this capacity should be able to ascertain from written documentation (the dispatch permit) that this assistant is certified under the CHAMP permit to act on behalf of a named hunter, and the game ranger should then be able to locate that named hunter in the field awaiting retrieval of the animal.

The criteria for obtaining the permit are stringent, particularly because of the special permissions which the permit grants. The 1 most questioned during the development phase, however, related to blindness as a criteria. Many people do not recognize that lack of vision is also a mobility issue. Others see a "blind hunter" as an impossibility, or a safety concern, as though the hunter would be shooting indiscriminately, when in fact the same laws prohibiting reckless use of firearms govern us all (see A.R.S. § 17-312).

There are blind hunters who rely on the eyes of another to secure their target. And there are successful blind hunters, for instance Ben Bloomgren, the 13-year old who took his first deer in the "juniors only" hunt in December 1994. The teenager has been blind since birth and his father, Kary, served as his eyes, and both were thrilled with his success. Ben went through the Department's Hunter Education course to become eligible for the hunt; a special Braille version of the Hunter Education Manual was created for him.

The criteria for blind hunters in the rule is also very stringent. An initial draft criteria of "100% blind" was rejected when an ophthalmologist advised that such a designation is too rare (and usually involves loss of eyes, not just loss of vision) and then provided the standards now provided in the rule. One is simple loss of vision requiring assistance for mobility; the other is just as severe but relates to peripheral vision; persons meeting the "visual field" criteria have vision equivalent to viewing the world through a small tube.

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The rule requires that applicants for this permit submit a statement that they meet the rule's criteria, signed by a licensed physician. The rule requires that this statement be submitted on forms available from the Department, in order to ensure that the information required by the physician is included (it is necessary to have a clear record of the doctor's name and address for verification purposes.) The rule provides a 30-day turnaround period for verification and processing, which is standard within most of the Department's other licensing rules; it is not anticipated that all applications would take 30 days to process. No renewal requirements are included, as criteria requires that the physician certify that this is a permanent disability. Denial of the permit may be appealed to the Commission pursuant to current rule R12-4-608.

R12-4-318. The amendment to R12-4-318 (in addition to that previously discussed in relation to R12-4-216) would put in place the means for the Commission to set seasons closed to any but CHAMP permittees.

Surveys show enjoyment comes from many aspects of the sport and that the bagging of game is much less important than other benefits. *Anticipation* provides excitement for days, weeks, even months before the actual hunt. *The Preparation* - planning and scouting provides mental stimulation much like a chess game requires strategic thinking. *The outdoor experience* - being a part of the natural world of plants and animals can be spiritually rewarding. The sounds, sights, smells, and feel are experienced at the maximum level during the hunt. *Mental rewards* - great benefits come from overcoming obstacles, and the social interaction with peers is educational and promotes a sharing of ideas and solutions to common problems among hunters.

The single biggest disadvantage for the physically disabled hunter is lack of mobility. Being mobility-impaired compromises access into the hunt area, prevents scouting, limits hunt site selection, and hampers visibility by preventing elevated stands.

One of the larger problems faced by disabled hunters is the necessity to compete against all other hunters for "usable space". The general hunting public is simply unaware of the special problems faced by the hunter who must find an accessible area to park and/or a flat area for a wheelchair and then stay in that area and wait for an animal to come within range. Often another hunter will walk past them to shoot the animal the disabled hunter has been waiting for. The time to move and set up again once a hunt area has been "usurped" likely makes the hunt a loss for the disabled hunter, unlike the nondisabled hunter.

Therefore, the agency proposes exploring the institution of special hunts for disabled hunters. Once the hunt structure is in place in R12-4-318, hunts similar to the successful "juniors-only hunts" could be accomplished by annual Commission order; the only participants would be those with the CHAMP permit. The Department increases its presence during these "juniors-only" hunts. Special hunts for holders of the CHAMP permit could possibly even be combined with the youth hunts. This type of hunt would require a special drawing, but it could be held in an area not typically open, to avoid taking permits away from other hunters, or could be rotated through specific units. The location and dates of such hunts would of course be controlled by annual Commission order, with annual opportunity for public input. Commission orders are exempted from rulemaking pursuant to A.R.S. § 41-1005(A)(2) but are adopted in open meeting with ample advance notice as provided in the Commission's own rule R12-4-609.

Amendment of R12-4-511.

A.R.S. § 5-311(A) states, in part: "All watercraft, except sailboards, shall carry United States Coast Guard-approved personal flotation devices of the type and category prescribed by regulations of the Commission." The objective of R12-4-511 is to prescribe the type and category of required personal flotation devices (PFD's). The main objective is boater safety.

The U.S. Coast Guard has made a change in 33 CFR 175.15 eliminating the Type IV personal flotation device (PFD) as the primary device on watercraft under 16 feet in length. The change in 33 CFR 175.15 became effective on May 15, 1995. Without a change in R12-4-511(A), the state law would not be in compliance with federal regulation; consequently federal regulation would take precedence on the state's navigable waters. This would mean different enforcement directives on navigable waters and state waters, possibly causing confusion among the state's boating public.

In accordance with the federal law change, this agency is eliminating Type IV personal flotation devices as the primary lifesaving device on all vessels under 16 feet in length. This rule change will require vessels under 16 feet in length to carry wearable PFD's of appropriate size for each person on board. This rule change will not affect the more restrictive requirements under A.R.S. § 5-331(C) or A.R.S. § 5-350(A).

The rule change is intended to increase the survivability of boaters who, because of capsizing, fall overboard, sinking, flooding, or collision, have found themselves in the water rather than in their boat. A 5-year average of boating accidents shows that approximately 50% of all boating accidents involved boats of less than 16 feet in length. Requiring the carrying of wearable PFD's in these vessels will allow the boater to wear these PFD's, opposed to simply holding the Type IV PFD. This will allow the boater to remain in the water for a longer period of time regardless of consciousness or state of mind, increasing the possibility of rescue.

The agency is also adding R12-4-511(C), to follow a new exemption to 33 CFR 175.15 in 33 CFR 175.17. This addition will allow for consideration of the large numbers of vessels and associated PFD's maintained by livery and rental businesses. The rule states that prior to May 1, 1996, a Type IV PFD may be carried in lieu of any PFD required under R12-4-511(A) for each person on board the watercraft, provided the watercraft is leased or rented to another for the latter's pleasure as part of a livery or rental business, manually propelled, and under 16 feet. This addition will allow these businesses an additional boating season prior to compliance, to phase-in compliance and reduce the annual economic impact of the new requirement.

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

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8. The summary of the economic, small business, and consumer impact:

R12-4-101, R12-4-104, R12-4-114, and R12-4-302.

Housekeeping measures create little direct economic impact on this agency or the public. However, clarifying the rules, particularly the difference between hunt permit-tags and nonpermit-tags, will be as beneficial to the Department's law enforcement officers as to the hunting public. It is anticipated that properly specifying the proper tags and when they are valid will reduce inadvertent violations, thus reducing case load, and improve the ability to "make" cases which are not inadvertent. Court and public prosecutors may see a slight reduction in work load. Ambiguous law of any kind creates unnecessary burdens on public prosecutors and the court system. On the other hand, all hunters benefit from rules which are clear and therefore protect wildlife since hunt permits are allocated based on wildlife populations and harvest success factors, among other things.

Removing the requirement to punch out the month and day of kill will be easier for the hunter. Likewise, allowing sandhill crane to be tagged around the head or leg will give the hunter an option and is more convenient. Neither of these will create additional economic burden on this agency, other entities, or the public.

R12-4-103 and R12-4-105.

The changes being made to these rules should have little impact on the Department, other entities, or the public, or even on license dealers who are directly addressed by these proposals. Formalization of ongoing procedures and removing unnecessary detail from the rule are intended to reduce burden on dealers licensed to sell game and fish licenses and tags to the public.

R12-4-108.

Housekeeping changes to the boundaries of management units will have no economic impact on this agency, other entities, or the public, other than those related to publication of the rule in *Register*. The agency's *Hunt Regulations*, published annually, also contains a reprint of the rule.

R12-4-216, R12-4-217, and R12-4-318.

Preliminary review of economic impact does not indicate that costs to the agency would outweigh the benefits to hunters with disabilities. Disabled hunters would be afforded improved hunting opportunity at no additional cost to them; in the case of the cross-bow permit, there would be definite savings over purchase of "special" equipment which could otherwise be used in an archery-only season. Any increase in hunting activities has beneficial impact to businesses dealing in recreational goods and services.

R12-4-307.

There will be little impact on the agency as a result of this rule proposal. Only 76 trappers were licensed by the Department in 1994-95. After the passage of Proposition 201, it is expected there will be less. A few trappers will bear the cost and benefits of this proposed rule change: they will acquire confinement traps and derive revenue from resulting pelt sales. Pelt prices are subject to market change and vary according to species.

R12-4-511.

Changes to improve public safety will be integrated into ongoing law enforcement programs and improve survivability of victims in boating accidents involving watercraft under 16 feet. Liveries and watercraft rental businesses will incur some expense replacing PFD's; marinas, boating equipment shops, and others selling PFD's will realize a short-term increase in revenue. Of the 37,000 registered watercraft that are under 16 feet, it is estimated that only about 10,000 will need to replace Type IV PFD's. This would generate statewide sales of from \$100,000 to \$2,000,000.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

As originally noticed, the planned effective date of January 1, 1996, was not reflected in all of the rules addressed in this Notice of Final Rulemaking. This oversight has been corrected and "this rule is effective January 1, 1996" added as the final subsection in all rules. This is necessary in order to allow coordinated implementation and enforcement by this agency. Other changes result from suggestions provided by the staff of the Governor's Regulatory Review Council intended to improve clarity of the rules.

R12-4-216. In subsection (C)(2), the phrase "impairment of function in 1 arm" is changed to "impairment of function of 1 arm" to clarify the intent of the rule. See the discussion under Question 10 of this Notice of Rulemaking (principal comments).

R12-4-217. The following language has been removed: "Any CHAMP permittee who has been issued a tag may request a special permit for dispatch of a wounded animal. The Department shall issue the dispatch permit within 14 days of receiving the written request." This has been replaced with language simply requiring the Department to provide the dispatch permit. This is less burdensome on the Department and the CHAMP permittee. See discussion under Question 10 of this Notice of Final Rulemaking.

Language has been added requiring dispatch to be made by a method lawful for the take of that animal in that season. This is a clarification of intent; see also discussion under Question 10 of this Notice. Other changes were made at the suggestion of GRRC staff for clarification purposes.

The agency has considered A.R.S. § 41-1025 in making these changes and does not believe they create a rule substantially different from any rule as proposed. The only change which is not merely a clarification of intent is the procedural changes to R12-4-217 wherein a "dispatch permit" will be automatically issued to a CHAMP permittee. This is less complex and burdensome to all parties involved and meets with the intent of the rule as proposed.

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10. A summary of the principal comments and the agency response to them:

No comments were received on R12-4-101, R12-4-103, R12-4-104, R12-4-105, R12-4-108, R12-4-302, R12-4-307, or R12-4-511.

R12-4-114 (Issuance of Nonpermit-tags and Hunt Permit-tags)

Comment 1. The language in subsection (C) does not work for sandhill crane, which are not big game; the bag limit is 2; and 2 hunt permit-tags are issued to each successful applicant.

Response. It does not appear that there is any problem with issuing 2 tags at the 1st drawing, either with the current rule language or that which is proposed.

R12-4-216 (Crossbow Permit)

Comment 1. People with major back disabilities that prevent them from pulling back a conventional bow should be allowed to use a crossbow during archery-only seasons. Also, consideration should be given to relaxing the minimum pound or weight requirement of archery equipment to accommodate disabled hunters.

Response. The agency agrees that any type of disability resulting in the described impairment of function should render the applicant eligible for the permit. The rule language is changed from the proposed "...a minimum 90% impairment of function in 1 arm" to "at least 90% impairment of function of 1 arm", in order to make this intent clear.

The standard "pull" for bows established in R12-4-304 relates to the efficiency of the weapon and changing that standard would be a separate proposal outside the scope of this rulemaking.

Comment 2. It takes 2 hands to cock a crossbow, so there may be no advantage to using a crossbow in archery-only seasons for these disabled hunters.

Response. There are different types of crossbows on the market, some of which have mechanical cocking mechanisms. Also, another person could help by cocking the crossbow. Also, a crossbow holds the arrow cocked so that tension does not have to be retained, which is advantageous to persons with this type of disability.

R12-4-217 (Challenged Hunter Access/Mobility Permit)

Comment 1. The requirements for obtaining this permit are too limiting and will prevent many disabled persons from qualifying. Any persons certified as disabled by the Social Security Administration should be qualified.

Response. The disabilities addressed by the Social Security Administration are too broad in scope for the purposes of this special program, which is for individuals with a mobility impairment impacting their ability to hunt. Some types of disabilities would have little or no affect on a person's ability to hunt.

Comment 2. Major back injuries that cause a person to be permanently disabled should also be considered as a qualification. A combination of feet, leg, and/or back disability should also qualify.

Response. The criteria for this permit is that a person submit a physician's statement that they have "a disability or combination of disabilities creating a minimum impairment of function equivalent to 90% in 1 leg". The disability or combination of disabilities could include back injury. It is not the cause of the disability that is addressed, but the result.

Comment 3. Subsection (G) of the proposed rule says that the permittee cannot leave "the field" while the assistant is tracking an animal. "The field" is not defined and could mean anything. The rules should say that the permittee cannot leave the site where the animal was wounded.

Response. The agency believes that most people inherently understand what is meant by "the field" and that restricting the permittee to the site where the animal was wounded could be burdensome, particularly since weather conditions could be particularly devastating to persons with certain disabilities. The permittee must be allowed to reach shelter if necessary, and the available shelter may not be precisely at the site where the animal was wounded. Common sense and good judgment would say that an officer coming upon an assistant with a dispatch permit should be able to locate the permittee within a reasonable area based upon the explanation provided by the assistant, the terrain, the time, and the weather conditions. This is a situation where the reasonable judgment of the hunter and the officer must be considered as a vital element.

Comment 4. At the end of subsection (G), the special assistant designation should only be allowed at the point an animal is determined to be wounded. If an animal is "killed", no assistant designation is required. The permittee and helper can drive to the location of the downed animal to retrieve it. Nor should the designation of an assistant be made unless there is a blood trail.

Response. This comment assumes that it would always be possible to drive to the downed animal, which is not a true assumption. Nor is it always immediately obvious if an animal has been killed. Nor is a blood trail always present. The rule as written covers all contingencies and allows the permittee to designate an assistant to do what he or she cannot...which is its purpose. The issue raised, if accepted, would not allow necessary flexibility.

Comment 5. The rule does not address the method to be used by an assistant in dispatching a wounded animal.

Response. The assumption, now added to the rule, is that the method used by the assistant must be the method which is otherwise lawful for that animal in that season. Adding this statement to the rule clarifies this original assumption and intent.

Comment 6. It is unnecessary bureaucracy to require a person who obtains a CHAMP permit to go through a separate process to

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get the special permit for the dispatch of a wounded animal. It does not appear that the risk of abuse of this permit is significantly changed by making this a separate procedure rather than simply issuing it with the CHAMP.

Response. Agreed. The separate procedure would be burdensome to the Department as well as the permittee. The rule is changed accordingly. The following language in subsection (G) has been removed: "Any CHAMP permittee who has been issued a tag may request a special permit for dispatch of a wounded animal. The Department shall issue the dispatch permit within 14 days of receiving the written request." The rule as adopted simply requires the Department to issue the dispatch permit.

Comment 7. Since a guide may only carry a revolver or pistol pursuant to A.R.S. § 17-362(C), a guide for a disabled hunter could not be a CHAMP assistant.

Response. The law does not prohibit the guide from using archery equipment, or handgun or revolver when legal for take of the specific animal in question. Therefore, a guide can be an assistant within the confines of A.R.S. § 17-362.

R12-4-307 (Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts)

Comment 1. Confinement traps should be lawful on either public or private land.

Response. They would be.

Comment 2. The size of a confinement trap should not be designated.

Response. The rule does not designate a size.

Comment 3. Sight-exposed bait should be allowed.

Response. Nothing in the proposed rule language would prohibit use of sight-exposed bait relative to a confinement trap.

Comment 4. Confinement traps should be placed in the shade for the benefit of a captured animal.

Response. The cost of these traps will make it important to the trapper that they be well concealed and not left in full view (or full sun).

R12-4-318 (Seasons)

Comment. The Commission should consider a special CHAMP muzzleloader elk season that would overlap with the 1st week of the archery elk season for all hunters. This type of structure would ensure that a CHAMP hunter would have assistance from friends who could also hunt.

Response. R12-4-318 sets the structure for hunts, but the dates and locations of such hunts are set by the Commission on an annual basis pursuant to A.R.S. § 41-1005(A)(2) and A.A.C. R12-4-609. The Department does hold statewide public hearings and gathers public comment for Commission consideration prior to the type of hunt addressed in this comment. This is a separate public process outside the scope of this rulemaking.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
None.
13. Was this rule previously adopted as an emergency rule?
No.
14. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

- R12-4-101. Definitions
- R12-4-103. Duplicate Tags and Licenses
- R12-4-104. Application Procedures for ~~selection of hunters~~ Issuance of Hunt Permit-tags by Drawing
- R12-4-105. License Dealer's License
- R12-4-108. Management Unit Boundaries
- R12-4-114. ~~Issuance of Big Game Tags and Hunt Permit Tags~~ Issuance of Nonpermit-tags and Hunt Permit-tags

ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS

- R12-4-216. Crossbow Permit
- ~~R12-4-217. Shooting privileges for physically disabled persons~~
- R12-4-217. Challenged Hunters Access/Mobility Permit

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

- ~~R12-4-302. Use of Big Game Tags and Hunt Permit Tags~~
- ~~R12-4-302. Use of Tags~~
- R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts
- R12-4-318. Seasons

ARTICLE 5. BOATING AND WATERSPOUTS

- R12-4-511. Personal Flotation Devices

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

- R12-4-101. Definitions**
 - A. In addition to the definitions provided in A.R.S. § 17-101 and A.A.C. R12-4-401 and R12-4-501, the following definitions

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apply to this Chapter, unless the context otherwise requires:

1. No change.
 2. No change.
 3. No change.
 4. No change.
 5. No change.
 6. "Hunt number" means the number assigned by Commission order to any hunt area where a limited number of hunt permits is available.
 7. ~~"Hunt permit permits" means a special permit which may be required by the Commission to take wildlife in any hunt area~~ means the number of hunt permit-tags made available to the public as a result of a Commission order.
 8. ~~"Hunt permit-tag" means both the hunt permit and the tag required by statute or rule to take and possess wildlife. A hunt permit-tag is issued under the provisions of R12-4-104~~ means a tag for a hunt for which the Commission has assigned a hunt number.
 9. No change.
 10. No change.
 11. No change.
 12. No change.
 13. No change.
 14. No change.
 15. No change.
 16. "Nonpermit-tag" means a tag for a hunt for which the Commission has not assigned a hunt number.
 - ~~16-17.~~ No change.
 - ~~17-18.~~ No change.
 - ~~18-19.~~ "Tag" means any tag, including a hunt permit tag, which validates a Class F or G license for taking of big game. "Tag" means the authorization that an individual is required to obtain from the Department under A.R.S. Title 17 and these rules before taking certain wildlife.
 - ~~19-20.~~ No change.
 - ~~20-21.~~ "Wildlife area" means an area established by the Commission for special wildlife research or management practices pursuant to R12-4-109.
- B. When, by Commission order, the open season for a big game animal is restricted to certain sex, age, or size classes, the following definitions apply the following terms are used in Commission order, these definitions apply:
1. No change.
 2. No change.
 3. No change.
 4. No change.
 5. ~~"Mature bull elk" means an antlered elk with a least 4 points on 1 antler.~~
 - 6-5. "Ram" means any male bighorn sheep, excluding male lambs.
- C. This rule is effective January 1, ~~1995~~ 1996.

R12-4-103. Duplicate Tags and Licenses

- A. Pursuant to A.R.S. § 17-332(C), the Department and its license dealers ~~may~~ shall issue a duplicate license or tag ~~provided the applicant signs an affidavit affirming to an applicant who pays the fee set forth at R12-4-102 and signs an affidavit affirming:~~
1. The applicant's name and identification number if previously issued to the applicant.
 - ~~1-2.~~ No change.
 - ~~2-3.~~ No change.
 - ~~3-4.~~ No change.
 - ~~4-5.~~ No change.
 - 5-6. That the original of any big game tag for which a duplicate is being purchased was unused and is lost, destroyed, mutilated, or otherwise unusable.

- B. ~~The license dealer issuing a duplicate license or tag must retain the completed affidavit form and forward it to the Phoenix Office with the report of sale of the duplicate license or tag.~~
- B. This rule is effective January 1, 1996.

R12-4-104. Application Procedures for ~~selection of hunters~~ Issuance of Hunt Permit-tags by Drawing

- A. ~~For the purpose of this Section;~~
- ~~1. "Group" means all applications contained in a single envelope which is provided as a part of Form 624. No more than 4 persons may apply as a group except that no more than 2 applicants may apply as a group for bighorn sheep. Nonresidents, see R12-4-114(D).~~
- A. For the purposes of this Section, "group" means all applications contained in a single envelope that is provided as part of Form 624. No more than 4 individuals may apply as a group except that no more than 2 individuals may apply as a group for bighorn sheep. Nonresidents, see R12-4-114(D).
- B. No change.
- C. ~~Each applicant or member of a group shall sign the application Form 624 and provide the following information: name, address, whether resident or non-resident, and date of birth. In addition: Each applicant, including each member of a group, shall sign the application Form 624 and provide the following information: name, address, residency status, and date of birth. In addition:~~
- ~~1. Each applicant shall include his or her identification number, either:~~
 - ~~a. Social security number, or~~
 - ~~b. An identification number previously assigned by the Department. The identification number may be obtained by providing the Department with the applicant's full name and any aliases, date of birth, and mailing address.~~
 1. Each applicant shall include the applicant's identification number.
 2. No change.
 - ~~a. Applicants not licensed for the year in which the hunt will take place shall submit the following information required on Form 390, License Application, available from Department offices and license dealers: name, address, class of license applied for, residency status, length of Arizona residency (if applicable), date of birth, sex, weight, height, color of hair and eyes;~~
 - a. Applicants not licensed for the year in which the hunt will take place shall obtain a Form 390, License Application, from a Department office or license dealer and shall submit the completed Form 390, providing the applicant's name, identification number, address, class of license for which application is made, residency status, length of Arizona residency (if applicable), date of birth, sex, weight, height, and color of hair and eyes to the Department in the same envelope with the Form 624;
 - b. No change.
 3. No change.
 - a. No change.
 - b. No change.
 - c. No change.
 4. No change.
 5. No change.
 6. Each applicant shall apply by current hunt number. If all hunts selected are already filled at the time of receipt, the application shall be rejected. Each applicant shall apply for a specific hunt by the current hunt number. If all hunts selected by the applicant are filled at the time the applica-

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tion is received, the Department shall deem the application unsuccessful.

7. Selection of additional hunt choices is optional, but if selected, they shall be for the same genus of wildlife as the first choice. An applicant shall make all hunt choices within 1 application for the same genus.
8. No change.
9. All applicants in a group shall apply for the same hunt number and in the same order of preference. No hunt permit tag shall be issued to anyone in a group if there are not sufficient hunt permit tags available for all applicants in that group. All members of a group shall apply for the same hunt numbers and in the same order of preference. The Department shall not issue a hunt permit tag to any group member unless sufficient hunt permit tags are available for all group members. If the Department rejects any member of a group for any reason, the Department shall reject all other members of the group.
10. No person may submit more than 1 valid application per genus of wildlife in any calendar year, except: An applicant shall submit only 1 valid application per genus of wildlife for any calendar year, except:
 - a. No change.
 - b. Unsuccessful spring hunters may apply in a fall drawing. Turkey hunters with a hunt permit tag for the spring turkey season who are unsuccessful in the spring turkey season may apply for a hunt permit tag for the fall turkey season.
 - c. No change.
11. No change.
12. No change.
- D. No change.
- E. If any applicant in a group is rejected for any reason, all other applicants in that group shall also be rejected. Any hunt permit tag issued for an application that is subsequently found not to be in accordance with this rule is invalid.
- F. No change.
- G. No change.
- H. This rule is effective ~~March 1, 1991~~ January 1, 1996.

R12-4-105. License Dealer's License

- A. No change.
- B. The Department shall issue a license dealer's license only when the following criteria are met:
 1. The applicant has not had the privilege to sell licenses for the Department revoked or canceled pursuant to A.R.S. § 17-334, 17-338, or 17-339 within the past 2 calendar years; and
 2. The applicant's credit record or assets assure the Department that the value of the licenses shall be adequately protected; and
 3. No change.
 4. No change.
 5. The Department shall assess the need for each dealer outlet not meeting the criteria at Subsection B.4 to determine if it is necessary to provide service to the public. The Department's determination shall be based on:
 5. The Department shall assess the need for a license dealer outlet not meeting the criterion set forth at subsection (B)(4) by determining whether a particular outlet is necessary to provide service to the public. The Department shall base its determination on:
 - a. The location and size of the community and the outlet's physical location within the community;
 - b. The outlet's proximity to currently existing dealer outlets; and
 - c. The days and hours the license dealer outlet is open

for business to sell hunting and fishing licenses, tags, and stamps.

- C. No change.
- D. Application for a license dealer's license shall be made on forms provided by the Department. An applicant for a license dealer's license shall obtain from and submit to the Department an application form. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. The applicant shall provide the following:
 1. No change.
 2. No change.
 3. Name, business address, and business phone number of the person designated by the licensed dealer applicant as responsible for compliance with this rule;
 4. No change.
 5. No change.
 6. No change.
 7. No change.
 8. No change.
- E. No change.
- F. The Department shall provide to the license dealer all licenses that the license dealer will make available to the public for sale. the following licenses to each dealer outlet, which the dealer outlet shall make available to the public for sale: Class A, B, C, D, E, F, G, and H hunting and fishing licenses; big game tags other than hunt permit tags; urban fishing licenses; duplicate licenses; and trout stamps. In addition, if the Department determines that the dealer outlet's location is in proximity to any area where the public will have need of special use permits and stamps for fishing on waters with shared jurisdiction, these shall be provided to the dealer outlet and the dealer outlet shall make them available to the public for sale.
- G. Each dealer outlet shall maintain an inventory of licenses available for sale to the public pursuant to subsection (F). The Department shall provide any licenses requested by a dealer outlet within 10 calendar days of receipt of the request, unless any licenses previously provided to the dealer outlet have not been acknowledged pursuant to subsection (H). A license dealer shall maintain at each outlet an inventory of licenses for sale to the public. A license dealer may request that the Department provide additional inventory of licenses for sale. The request may be made in writing or verbally. The request shall include the name of the license dealer, the assigned dealer number, a list of the items needed, and the name of the individual making the request. Within 10 calendar days from receipt of a request from a license dealer, the Department shall provide to an outlet the licenses requested unless licenses previously provided to the outlet have not been acknowledged pursuant to subsection (H) or the outlet is not in compliance with applicable statutes and rules.
- H. Upon receipt of licenses issued by the Department, the dealer outlet shall verify the licenses received against a shipment inventory which shall be provided by the Department with each license shipment. The person performing the inventory shall clearly designate any discrepancies on the shipment inventory. The shipment inventory shall be signed by the person who performed the inventory, and returned to the Department within 5 working days. The Department shall verify any discrepancies and credit or debit the dealer outlet's inventory accordingly. Upon receipt of licenses from the Department, the license dealer shall cause the licenses received to be verified as the licenses identified on the shipment inventory provided by the Department with the shipment. The individual performing the verification shall clearly designate any discrepancies on the shipment inventory, sign and date the shipping

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inventory, and return it to the Department within 5 working days from receipt of the shipment. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory for a particular outlet accordingly.

- I. Monthly reports made pursuant to A.R.S. § 17-338 shall be made on forms provided by the Department by each licensed dealer and are required whether or not there were sales during the reporting period. The report shall include the following for each dealer outlet: A license dealer shall submit the monthly report required by A.R.S. § 17-338 on forms obtained from the Department regardless of whether the license dealer made a sale during the month. The license dealer shall include in the monthly report the following information for each outlet:

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.

6. Affidavits received and for which a duplicate was issued pursuant to R12-4-103. A license dealer who fails to submit an affidavit for an issued duplicate shall remit to the Department the face value of the original license replaced;

6.7. A list of lost or missing licenses; List of lost or missing licenses; and

7.8. No change.

J. No change.

K. No change.

L. No change.

M. This rule is effective January 1, 1996.

R12-4-108. Management Unit Boundaries

A. No change.

B. No change.

C. Management unit descriptions are as follows:

- Unit 1 No change.
- Unit 2A No change.
- Unit 2B No change.
- Unit 2C No change.
- Unit 3A No change.
- Unit 3B No change.
- Unit 3C No change.
- Unit 4A No change.
- Unit 4B No change.
- Unit 5A No change.
- Unit 5B No change.
- Unit 6A No change.
- Unit 6B No change.
- Unit 7 No change.
- Unit 8 No change.

Unit 9 Beginning at the junction of Havasu Creek and the Colorado River; easterly along the Colorado River to Shinumo Wash; southeasterly along Shinumo Wash to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly on the Flagstaff-Valle-Cataract Creek road to Cataract Creek at Island Tank; northwesterly along Cataract Creek to Havasu Creek; northwesterly along Havasu Creek to the Colorado River.

Unit 10 Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Road (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly

along the reservation boundary to the Colorado River; easterly along the Colorado River to Havasu Creek in Cataract Canyon; southeasterly along Havasu Creek to and Cataract Creek; ~~southwesterly along Cataract Creek to the Valle Flagstaff Cataract Creek road; easterly on the Valle Flagstaff Cataract Creek in Cataract Canyon to Island Tank; easterly on the Island Tank-Valle~~ road to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 11 No change.

Unit 12A No change.

Unit 12B No change.

Unit 13A No change.

Unit 14 No change.

Unit 15A No change.

Unit 15B No change.

Unit 15C No change.

Unit 15D No change.

Unit 16A No change.

Unit 16B No change.

Unit 17A No change.

Unit 17B No change.

Unit 18A No change.

Unit 18B No change.

Unit 19A No change.

Unit 19B No change.

Unit 20A No change.

Unit 20B No change.

Unit 20C No change.

Unit 21 No change.

Unit 22 No change.

Unit 23 No change.

Unit 24A No change.

Unit 24B

Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy 88; northerly on AZ Hwys 88 and 288 to the Salt River; westerly along the Salt River to Bush Hwy at the Blue Point Bridge; westerly on Bush Hwy to the Usery Pass road (Ellsworth Road); southerly on the Usery Pass road to U.S. Hwy 60 (~~U.S. Hwy 89~~); easterly on U.S. Hwy 60 (~~U.S. Hwy 89~~) to Superior.

Unit 25 No change.

Unit 26 No change.

Unit 27

Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to the San Carlos-Morenci-Clifton road; west on the San Carlos-Morenci-Clifton road to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; ~~northwest~~ along the East Fork of Black River to the Three Forks-Williams Valley-Alpine road (FR 249) ~~easterly~~ ~~westerly~~ along the Three Forks-Williams Valley-Alpine road to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 No change.

Unit 29 No change.

Unit 30 No change.

Unit 30A No change.

Unit 30B No change.

Unit 31 No change.

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- Unit 32 No change.
- Unit 33 Beginning at Tangerine road and AZ U.S. Hwy 77 89; north and northeast on U.S. Hwy 89 to AZ Hwy 77; northeast on AZ Hwy 77 to the San Pedro River; southerly southeast along the San Pedro River to I-10 at Benson; westerly west on I-10 to Marsh Station road (Exit 289); westerly northwest on the Marsh Station road to the Agua Verde road; north on the Agua Verde road to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine road; junction of I-10 and AZ Hwy 83 Exit 281; westerly along the northern frontage road to the Vail/Colossal Cave road; northeasterly on Vail/Colossal Cave road to Old Spanish Trail; northwesterly on Old Spanish Trail to Houghton road; north on Houghton road to the Catalina Hwy; southwesterly on Catalina Hwy to Tanque Verde road; westerly on Tanque Verde road to Sabino Canyon road; northerly on Sabino Canyon road to Skyline drive; westerly on Skyline drive to Ina road; west on Ina road to U.S. Hwy 89; north on U.S. Hwy 89 to Tangerine road.
- Unit 34A Beginning at U.S. Hwy 89 at the U.S.-Mexico border; north on U.S. Hwy 89 I-19 and Grand Avenue in Nogales; northeast on Grand Avenue (U.S. Hwy. 89) to AZ Hwy 82; northeasterly northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita road; west along the Sahuarita road alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89). U.S. Hwy 89 at the U.S.-Mexico border.
- Unit 34B No change.
- Unit 35A No change.
- Unit 35B Beginning at Grand Avenue and (U.S. Hwy 89) at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to the Lochiel-Canelo Pass-Elgin road; north on this road to AZ Hwy 82; southwesterly southwest on AZ Hwy 82 to U.S. Hwy 89 Grand Avenue; south southwest on U.S. Hwy 89 Grand Avenue to the U.S.-Mexico border.
- Unit 36A No change.
- Unit 36B Beginning at I-19 and Grand Avenue (U.S. Hwy 89) at the U.S.-Mexico border; northwesterly along the U.S.-Mexico border to AZ Hwy 286; in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca road; easterly east on the Arivaca road to I-19; southerly south on I-19 to Grand Avenue (U.S. Hwy 89). at the U.S.-Mexico border.
- Unit 36C No change.
- Unit 37A Beginning at the junction of I-10 Exit 240 and Tangerine road (Exit 240); southerly southeast on I-10 to Avra Valley road (Exit 242); westerly west on Avra Valley road to Sandario road; southerly south on Sandario road to AZ Hwy 86; westerly southwest on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation boundary; northerly on north, east, and west along the reservation boundary to Battaglia road; east on Battaglia road to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east and north on AZ Hwy 287 to U.S. AZ Hwy 89; southerly 79 at Florence; southeast on U.S. AZ Hwy 89 79 to Tangerine road; westerly its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine road; west on Tangerine road to I-10 Exit 240.
- Unit 37B Beginning at the junction of U.S. AZ Hwy 89 79 and AZ Hwy 77; northerly northwest on U.S. AZ Hwy 89 79 to U.S. Hwy 60; easterly east on U.S. Hwy 60 to AZ Hwy 177; southeasterly southeast on AZ Hwy 177 to AZ Hwy 77; southerly southeast and southwest on AZ Hwy 77 to U.S. AZ Hwy 89 79.
- Unit 37M Beginning at the junction of I-10 Exit 240 and Tangerine road (Exit 240); southerly southeast on I-10 to Avra Valley road (Exit 242); westerly west on Avra Valley road to Sandario road; southerly south along on Sandario road to the San Xavier Indian Reservation boundary; southerly south and easterly east along the reservation boundary of the reservation to I-19; southerly along south on I-19 to Sahuarita road (Exit 75); easterly east on the Sahuarita road alignment to AZ Hwy 83; northerly north on AZ Hwy 83 to I-10 (Exit 281); easterly east on I-10 to Marsh Station road (Exit 289); westerly northwest on Marsh Station road to the Agua Verde road; north on the Agua Verde road to its terminus then north 1/2 to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine road; west on Tangerine Road to I-10. northern frontage road at Exit 281; westerly along the northern frontage road to the Vail/Colossal Cave road; northeasterly on that road to Old Spanish Trail; northwesterly on Old Spanish Trail to Houghton road; north on Houghton road to Catalina Hwy; southwesterly on the Catalina Hwy to Tanque Verde road; westerly on Tanque Verde road to Sabino Canyon road; northerly on Sabino Canyon road to Skyline drive; westerly on Skyline drive to Ina road; west on Ina road to U.S. Hwy 89; north on U.S. Hwy 89 to Tangerine road; west on Tangerine road to I-10 Exit 240.
- Unit 38 No change.
- Unit 39 No change.
- Unit 39M Beginning at I-10 and the Salt River; westerly along the Salt River to the Gila River; westerly along the Gila River to the western boundary of the Gila Indian Reservation; southeasterly along the reservation boundary to Maricopa road; south on Maricopa road to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur road to the Tohono O'odham (Papago) Indian Reservation; easterly along the reservation boundary to Battaglia road; east on this road to I-10

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(Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to U.S. Hwy 89 AZ Hwy 79; north on U.S. Hwy 89 AZ Hwy 79 to U.S. Hwy 60; westerly on U.S. Hwy 60-89 to Power road in Mesa; south on Power road to AZ Hwy 360; west on AZ Hwy 360 to I-10; westerly on I-10 to the Salt River.

- Unit 40A No change.
- Unit 40B No change.
- Unit 41 No change.
- Unit 42 No change.
- Unit 42M Beginning at the junction of I-17 and the Carefree Hwy (Exit 223); west on the Carefree Hwy to the Lake Pleasant Road; southerly on the Lake Pleasant Road to the Central Arizona Project (CAP) Canal; westerly on the CAP Canal to the Beardsley Canal; southwesterly along the Beardsley Canal to Indian School road; west on Indian School road to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Road (Exit 112); south on Oglesby road to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; east along the Gila River to the Salt River; east along the Salt River to I-10; easterly on I-10 to AZ Hwy 360; east on AZ Hwy 360 to Power road; north on Power road to U.S. Hwy 60-89; east on U.S. Hwy 60-89 to the Utery Pass road (Ellsworth Road); north on the Utery Pass road to Bush Hwy; easterly on Bush Hwy to the Salt River at the Blue Point Bridge; westerly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along this boundary to Cave Creek Road; southwesterly on Cave Creek Road to the Carefree Hwy; west on the Carefree Hwy to I-17 (Exit 223).
- Unit 43A No change.
- Unit 43B No change.
- Unit 44 No change.
- Unit 44A No change.
- Unit 44B No change.
- Unit 45A No change.
- Unit 45B Beginning at O-O Junction; north from O-O Junction on the Kofa Mine road to the Evening Star Mine; north on a line over Polaris Mountain to Midwell; north on the Midwell-Alamo Spring-Kofa Cabin road to the El Paso Natural Gas Pipeline Road; north on a line from the junction to the north Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley road; north and west on this road to O-O Junction.
- Unit 45C No change.
- Unit 46A No change.
- Unit 46B No change.

D. This rule is effective January 1, 1996.

**R12-4-114. Issuance of big game tags and hunt permit tags
Issuance of Nonpermit tags and Hunt Permit Tags**

- A.** ~~The Department shall annually provide numbered tags which shall include a transportation and shipping permit. The tag shall be made of tear-resistant material with an adhesive back covered with a detachable paper backing. The tag shall contain a space to identify the month and day of kill. The animal for which the tag is valid shall be appropriately identified on~~

~~the tag at the time of sale or issuance.~~

- A.** In accordance with A.R.S. § 17-332 and the provisions of this rule, the Department shall annually provide numbered tags for sale to the public. Each tag shall include a transportation and shipping permit as prescribed in A.R.S. §§ 17-332 and 17-371. Tags shall be made of tear-resistant material with an adhesive back covered by a detachable paper backing and shall clearly identify, when issued, the animal for which the tag is valid.
- B.** Big game tags may be purchased directly from Department offices or through license dealers when no hunt number has been assigned within a Commission order for a hunt area. No more than 1 original of each shall be obtained in a license year, unless the bag limit for that genus exceeds 1. No person shall obtain big game tags in excess of the bag limit prescribed by the Commission order establishing any hunt for which a big game tag is valid.
- B.** When the Commission establishes a big game season for which a hunt number is not assigned, license dealers and Department offices shall sell nonpermit tags.
 - 1.** To obtain a nonpermit tag, an applicant shall provide to a license dealer or Department office the applicant's name, address, and identification number.
 - 2.** An applicant shall not apply for or obtain nonpermit tags in excess of the bag limit prescribed by the Commission when it established the season for which the nonpermit tags are valid.
- C.** When the number of hunt permits for a species in a particular area must be limited to prevent over harvest of wildlife, the Commission order governing seasons for that species shall assign a hunt number to that area, and a hunt permit tag shall be required to take that species in that area. Hunt permit tags shall be issued by drawing. Each drawing consists of 3 stages as prescribed in Paragraphs 1, 2, and 3. "Spring drawings" shall be conducted for hunts to take place between January 1 and June 30 of the same calendar year. "Fall drawings" shall be conducted for hunts to take place between July 1 and December 31 of the same calendar year.
 - 1.** First selection shall be by random drawing.
 - 2.** Hunt permit tags remaining after the first drawing may be issued by second drawing or on a first come, first served basis by mail or over the counter as specified in the hunt permit tag application schedule published annually by and available from the Department.
 - 3.** When the bag limit established by Commission order for any big game genus is more than 1 per calendar year, remaining hunt permit tags in unfilled hunt areas may be issued on a first come, first served basis by mail or over the counter as specified in the hunt permit tag application schedule published annually by and available from the Department.
- C.** When the number of hunt permits for a species in a particular hunt area must be limited, a Commission order shall establish a hunt number for that hunt area, and a hunt permit tag shall be required to take the species in that hunt area.
 - 1.** To apply for a hunt permit tag, an applicant shall submit an application pursuant to R12-4-104.
 - 2.** The Department shall use the following procedure to determine whether a hunt permit tag will be issued to an applicant:
 - a.** First selection shall be by random drawing.
 - b.** When the bag limit established by Commission order is more than 1 per calendar year, or when there are hunt permit tags remaining unissued after the 1st drawing, these hunt permit tags shall be available on a set date on a first come, first served basis by mail or over the counter from Department offices as spec-

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ified in the hunt permit-tag application schedule published annually by and available from the Department.

- D. No change.
- E. No change.
- F. This rule is effective ~~January 1, 1993~~ January 1, 1996.

ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS

R12-4-216. Crossbow Permit

- A. "Crossbow permit" means a document issued by the Department that authorizes the named hunter to use a crossbow during an archery-only season established pursuant to R12-4-318.
- B. A crossbow permit is valid only when the legal animal for the archery-only season may otherwise be taken by crossbow pursuant to R12-4-304. Possession of a crossbow permit does not waive any other requirement regarding method of take or licensing.
- C. Applicants for a crossbow permit shall obtain from and submit to the Department a form that sets forth the following information:
 - 1. Applicant's name, identification number, mailing address, and telephone number.
 - 2. A statement from a physician licensed pursuant to A.R.S. §§ 32-1421 *et seq.* or 32-1821 *et seq.*, attesting that the applicant has a permanent disability of at least 90% impairment of function of 1 arm and providing the physician's typed or printed name, business address, and signature.
- D. All information and documentation provided by an applicant for a crossbow permit is subject to verification by the Department.
- E. The Department shall issue the crossbow permit or deny the application within 30 calendar days of receipt of the complete application.
- F. The Department shall return, without denial or approval, an incomplete application for a crossbow permit unless the Department is able to obtain the information needed to complete the application. The Department shall attach a letter to a returned application that explains why the application is returned.
- G. When an applicant is able to provide verbally the information that caused an application for a crossbow permit to be incomplete, the Department shall add the information to the application, note where each change is made, date each change, and indicate the source of the added information.
- H. In accordance with R12-4-608, the Department shall provide written notice to an applicant whose application for a crossbow permit is denied and the applicant may appeal the denial to the Commission.
- I. A crossbow permit is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- J. When acting under the authority of a crossbow permit, the crossbow permittee shall be in possession of and exhibit the crossbow permit upon request of a peace officer.
- K. A crossbow permittee shall not transfer the permit to another individual or allow another individual to use the permit issued to the crossbow permittee.
- L. After a hearing and upon sufficient cause showing, the Commission shall revoke the crossbow permit of a crossbow permittee who transfers the permit to another individual or allows another individual to use the permit. An individual whose crossbow permit is revoked by the Commission may petition the Commission for rehearing in accordance with R12-4-607.
- M. This rule is effective January 1, 1996.

R12-4-217. Shooting privileges for physically disabled persons

- A. ~~A physically disabled person, as defined in Subsection (C), may obtain a permit allowing that individual to discharge a firearm or other legal hunting device from a motor vehicle when, under existing conditions, such discharge is otherwise lawful, and provided:~~
 - 1. ~~The vehicle is motionless, is not standing or parked on any road as defined by A.R.S. § 17-101, and its engine has been turned off; and~~
 - 2. ~~The vehicle has displayed upon it a current handicapped license plate or disabled shooter's permit.~~
- B. ~~Wildlife may be shot during open season from a motor vehicle by a properly licensed disabled hunter under the conditions described in paragraph A. However, no vehicle may be used at any time to hunt or pursue wildlife.~~
- C. ~~The Department's Phoenix office shall issue a disabled shooter's permit without cost to any licensed hunter furnishing a statement from a doctor of medicine or osteopathy certifying the existence of a physically disabling condition rendering the applicant permanently unable to walk. All permits shall expire December 31. The Department may waive the medical certificate requirement for renewal applications.~~
- D. ~~Upon conviction of violating any law regulating the use of firearms or the taking of wildlife in this state, the Commission may suspend a disabled shooter's permit.~~

R12-4-217. Challenged Hunter Access/Mobility Permit

- A. The Department shall issue to qualified individuals a Challenged Hunter Access/Mobility Permit, also known as a CHAMP, that allows the following activities by the licensed hunter to whom the CHAMP is issued:
 - 1. Discharge of a firearm or other legal hunting device from a motor vehicle when, under existing conditions, the discharge is otherwise lawful and the motor vehicle is motionless, is not on any road as defined by A.R.S. § 17-101, and has its engine turned off.
 - 2. Discharge of a firearm or other legal hunting device from a watercraft (except a sinkbox), including those propelled by a motor, sail and wind, or both; when the motor has been shut off, the sail furled, or both; and progress has ceased. The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or propelled by paddle, oars, or pole. A watercraft under power may be used to retrieve dead or wounded wildlife but no discharge of a firearm is permitted while the watercraft is underway.
 - 3. Access to off-road locations in a motor vehicle when the access is not in conflict with other law and the motor vehicle is used as a place to wait for game. A motor vehicle shall not be used to chase or pursue game.
 - 4. Designation of an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this rule.
- B. A qualified individual who possesses a CHAMP shall comply with all legal requirements governing method of take and licensing.
- C. Applicants for a CHAMP shall obtain from and submit to the Department a form that provides the following information:
 - 1. Applicant's name, identification number, mailing address, and telephone number.
 - 2. A statement from a physician licensed pursuant to A.R.S. §§ 32-1421 *et seq.* or 32-1821 *et seq.*, which includes the physician's printed or typed name, business address, and signature, attesting that the applicant is permanently disabled as follows:
 - a. Has a disability or combination of disabilities creating a minimum impairment of function in 1 leg of no

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less than 90% or a maximal functional use of 1 leg of no more than 10% regardless of the functional level of the other leg; or

- b. Has a visual field of no more than 20% in the better eye; or
- c. Has vision in the better eye of 20/200 or less after best correction.
- D. All information and documentation provided by the applicant for the CHAMP is subject to verification by the Department.
- E. The Department shall issue the CHAMP or deny the application within 30 calendar days of receipt of the completed application.
- F. The Department shall return, without denial or approval, an incomplete application for a CHAMP unless the Department is able to obtain the information needed to complete the application. The Department shall attach a letter to a returned application that explains why the application is returned.
- G. When an applicant is able to provide verbally the information that caused an application for a CHAMP to be incomplete, the Department shall add the information to the application, note where each change is made, date each change, and indicate the source of the added information.
- H. In accordance with R12-4-608, the Department shall provide written notice to an applicant whose application for a CHAMP is denied, and the applicant may appeal the denial to the Commission.
- I. While a motor vehicle or watercraft is in use pursuant to subsection (A), the CHAMP permittee shall display on the motor vehicle or watercraft the CHAMP vehicle placard issued by the Department with the CHAMP.
- J. The Department shall provide CHAMP permittees with a dispatch permit that the CHAMP permittee may use to designate a licensed hunter as an assistant to dispatch and retrieve or to retrieve an animal wounded or killed by the CHAMP permittee. The CHAMP permittee shall designate the assistant only after the animal is wounded or killed. The CHAMP permittee shall ensure that designation on the permit is in ink and includes a description of the animal, the assistant's name and hunting license number, and the date and time the animal was wounded or killed. The CHAMP permittee shall also ensure compliance with the following requirements:
 - 1. The site where the animal is wounded and from which tracking begins is marked so it can be identified later;
 - 2. The assistant possesses the dispatch permit while tracking and dispatching the wounded animal;
 - 3. The CHAMP permittee is in the field while the assistant is tracking and dispatching the wounded animal;
 - 4. The assistant does not transfer the dispatch permit to anyone except the CHAMP permittee;
 - 5. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season;
 - 6. The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP permittee, and the tag of the CHAMP permittee is affixed to the carcass;
 - 7. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP permittee who strikes the name and authorization of the assistant from the dispatch permit.
- K. A dispatch permit is void when all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass.
- L. A CHAMP is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- M. When acting under the authority of the CHAMP, the permittee

shall be in possession of and exhibit the CHAMP upon request to a peace officer.

- N. A CHAMP permittee shall not transfer the permit to another individual or allow another individual to use the permit issued to the CHAMP permittee.
- O. After a hearing and upon sufficient cause showing, the Commission shall revoke the CHAMP of a permittee who transfers the permit to another individual or allows another individual to use the permit, or upon conviction of violating A.R.S. § 17-312, or any law governing the take of wildlife, or for violation of this rule. An individual whose CHAMP permit is revoked by the Commission may petition the Commission for rehearing in accordance with R12-4-607.
- P. This rule is effective January 1, 1996.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-302. Use of big game tags and hunt permit tags

- A. Anyone taking wildlife shall have on his or her person, in addition to his or her valid license, any valid required hunt permit, appropriate tag or hunt permit tag.
- B. A person shall not possess, while hunting, a big game tag or hunt permit tag issued to another nor shall any person attach his or her tag or allow his or her tag to be attached to an animal he or she did not kill.
- C. A tag or hunt permit tag is valid for taking only the animal identified on the tag.
- D. Hunt permit tags are issued by specific hunt number and are valid only in the hunt area for which issued.
- E. Immediately after a big game animal is killed, the month and day of the kill shall be punched on the tag belonging to the person who killed it, and the tag shall be attached to the carcass. When attaching the tag, all of the paper backing shall be removed and the tag shall be sealed around the antler or horn, or through the gambrel of a hind leg of a deer, elk or antelope, through the gambrel of a hind leg of a javelina, bighorn sheep, mountain lion or bear, and around the leg of a turkey so that it cannot be removed. The exposed adhesive portions shall be sealed together so that all the printing on the face of the tag is visible.
- F. Sandhill crane shall be tagged around the leg.
- G. When a big game tag or hunt permit tag has been sealed or mutilated, or the transportation or shipping permit is signed or filled out, the tag is no longer valid for taking wildlife.
- H. This rule is effective January 1, 1993.

R12-4-302. Use of Tags

- A. In addition to meeting the requirements of A.R.S. § 17-331, an individual taking wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. An individual taking wildlife shall not possess a tag issued to anyone else.
- D. An individual shall not allow a tag issued to that individual to be attached to an animal killed by anyone else, except as provided in R12-4-217.
- E. An individual shall not attach a tag issued to that individual to an animal killed by anyone else, except as provided in R12-4-217.
- F. An individual shall use a tag to take only the animal identified on the tag.
- G. An individual shall use a tag only in the season and hunt area for which the hunt permit tag is issued.
- H. Nonpermit tags are not valid in hunt areas for which hunt permit tags are required.
- I. An individual who lawfully possesses both a nonpermit tag

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and a hunt permit-tag shall not take a genus or species in excess of the bag limit established for that genus or species.

J. Immediately after an individual kills an animal, the individual shall attach the tag to the animal carcass in the following manner:

1. Remove all of the detachable paper cover from the adhesive back of the tag.
2. Seal the exposed adhesive portions of the tag around the animal so the tag cannot be removed and all printing on the face of the tag is visible.
 - a. For a deer, elk, or antelope, seal tag around the antler or horn, or through the gambrel of a hind leg.
 - b. For a javelina, bighorn sheep, mountain lion, or bear, seal the tag through the gambrel of a hind leg.
 - c. For a turkey, seal the tag around a leg.
 - d. For a sandhill crane, seal the tag around the leg or the neck.

K. When a tag has been sealed or mutilated, or the transportation and shipping permit included within the tag is signed or filled out, the tag is no longer valid for taking wildlife.

L. This rule is effective January 1, 1996.

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

A. For the purposes of this Section, the following definitions apply:

1. "Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.
2. "Confinement trap" means a device designed to capture wildlife alive and hold it without harm.
3. "Instant kill trap" means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.
4. "Land set" means any trap used on land rather than in water.
5. "Leghold trap" means a device designed to capture an animal by the leg or foot.
6. "Paste-type bait" means a partially liquefied substance intended for use as a lure for animals.
7. "Sight-exposed bait" means a carcass or parts of a carcass lying openly on the ground or suspended in a manner that it can be seen from above by a bird. This does not include dried or bleached bones with no attached tissue or less than 2 ounces of paste-type baits or trap flags.
8. "Trap flag" means an attractant made from materials other than animal parts that is suspended at least 3 feet above the ground.

~~A. B.~~ No change.

~~B. C.~~ No change.

C. D. It is unlawful for any person individual to:

1. No change.
2. No change.
3. No change.
4. Set a leghold trap within thirty 30 feet of a sight-exposed bait. "Sight exposed bait" means any animal or parts thereof on the ground or suspended in a manner that it can be seen from above. This does not include dried or bleached bones with no tissue attached or small amounts of paste type baits or trap flags. "Trap flag" means any attractant made from materials other than animal parts suspended at least 3 feet above ground.
5. Bait a confinement trap with live animals or portions of game mammals, big game, small game, upland game birds, migratory game birds, or game fish, or use bait with a confinement trap that is not wholly contained within the confinement trap.

~~5. 6.~~ No change.

~~6. 7.~~ No change.

~~7. 8.~~ No change.

~~8. 9.~~ No change.

D. E. The only traps lawful for use are commercially manufactured padded or rubber-jawed traps and traps with unpadded jaws permanently offset to a minimum of 3/16 inch. An individual who uses a leghold trap to take wildlife shall use a commercially manufactured padded or rubber-jawed trap, or unpadded with jaws permanently offset to a minimum of 3/16 inch.

1. No change.

2. No change.

3. No change.

4. No change.

~~E. F.~~ No change.

~~F. G.~~ No change

~~G. H.~~ No change.

~~H. I.~~ No change.

~~I. J.~~ No change.

~~J. K.~~ No change.

~~K. L.~~ No change.

~~L. M.~~ This rule is effective ~~March 1, 1994~~ January 1, 1996.

R12-4-318. Seasons

A. The Commission may, by order, establish and designate "general" seasons. Methods of lawfully taking wild mammals and birds during general seasons shall be provided in R12-4-304. Restrictions designated in subsection (C) shall not apply to general seasons. Methods of lawfully taking wild mammals and birds during seasons designated by Commission order as "general" seasons are designated in R12-4-304. Restrictions designated in subsection (C) shall not apply to general seasons.

B. The Commission may, by order, establish and designate "special" seasons pursuant to R12-4-120. Methods of lawfully taking wild mammals and birds during special seasons shall be provided in R12-4-304. Methods of lawfully taking big game during seasons designated by Commission order as "special" are designated in R12-4-304. "Special" seasons are open only to individuals in possession of special big game license tags issued pursuant to A.R.S. § 17-346 and A.A.C. R12-4-120.

C. The Commission may, by order, establish and designate other seasons as listed below. Other seasons designated by Commission order shall have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed in this rule. While taking wildlife:

1. No change.

2. ~~A person~~ An individual participating in an "archery-only" season shall use and possess only a bow and arrow as prescribed in R12-4-304, and shall not use or possess any other weapon, including a crossbow or any other bow having devices attached to hold the bow in a drawn position, except as authorized by R12-4-216.

3. No change.

4. No change.

5. No change.

6. No change.

7. No change.

8. No change.

9. No change.

10. No change.

11. No change.

12. An individual participating in a "CHAMP" season shall be a challenged hunter access/mobility permittee pursuant to R12-4-217.

D. This rule is effective January 1, ~~1994~~ 1996.

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ARTICLE 5. BOATING AND WATERSPORTS

R12-4-511. Personal Flotation Devices

- A. ~~No person may use a canoe or kayak of any length, or any other watercraft less than 16 feet in length, unless it is equipped with at least 1 of the following U.S. Coast Guard-approved personal flotation devices of appropriate size for each person on board. The operator of a canoe, kayak, or other watercraft that is less than 16 feet in length shall ensure that the canoe, kayak, or other watercraft is equipped with at least 1 appropriately sized, U.S. Coast Guard-approved, wearable personal flotation device for each person on board the canoe, kayak, or other watercraft. The following wearable personal flotation devices are approved by the U.S. Coast Guard:~~
1. No change.

2. No change.

3. No change.

~~4. Type IV Personal Flotation Device: buoyant cushion or ring life buoy.~~

B. No change.

C. Before May 1, 1996, a Type IV personal flotation device may be carried on a canoe, kayak, or other watercraft that is less than 16 feet in length for use by persons on board if the canoe, kayak, or other watercraft is:

1. Leased or rented to another for the latter's pleasure as part of a livery or rental business;

2. Manually propelled; and

3. Less than 16 feet.

D. This rule is effective January 1, 1996.